

BOARDS AND COMMISSIONS
Board of Barbering
(Amendment)

201 KAR 14:150. School records.

RELATES TO: KRS 317.410, 317.450, 317.540

STATUTORY AUTHORITY: KRS 317.430, 317.440(1)(b)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 317.440(1)(b) requires the Kentucky Board of Barbering to promulgate administrative regulations to govern quantity and quality of equipment, supplies, materials, records, and furnishings required in barber shops or schools. This administrative regulation establishes requirements for school records.

Section 1. A monthly attendance record of the entire enrollment, including full-time and part-time students and instructors~~teachers~~, shall be kept by the schools and received at the board office not later than the tenth calendar day of each month, and shall not be amended after the last day of the month.

(1) A barber school shall be held fully responsible for the completeness and accuracy of the attendance record, which shall show the total hours obtained for the previous month and the total accumulated hours to date for all students and instructors~~teachers.~~

(2) Only the hours recorded shall be submitted each month. The report shall not be amended without proof of error, and shall be available for inspection, and not after the last day of the month it was reported.

(3) A copy of the student's daily attendance record for the month of graduation through the date of a student's graduation shall be submitted with the student's certification of hours as part of the application for examination upon completion of the course.

Section 2. A copy of the monthly attendance record, as provided to the board office, shall be posted monthly on a bulletin board in the school so it is available at all times to the students, employees, board members, or agents of the board.

Section 3. (1) Barber schools shall be required to keep a record of a student's daily work, approved and signed by the instructor ~~teacher~~ of each student's practical work, work performed on clinic patrons, and classroom work.

(2) This record shall be available for inspection and shall be included:

(a) With the student's certification of hours and application for examination, upon completion of the course; or

(b) With the certification of hours:

1. If a student withdraws or is dismissed from school; or
2. Upon the closure of a school.

Section 4. (1) A detailed record shall be kept of all enrollments, withdrawals, dismissals, and graduations.

(2) Certification of hours completed, including a copy of the student's daily attendance record for the month of graduation through the date of a student's graduation, shall be forwarded with all records of a student's daily work, to the office of the board within ten (10) calendar days of a student's withdrawal, dismissal, graduation, or closure of the barber school. Completed course hours provided to the board office shall be accurate and shall be recorded in the student's file.

(3) Completed course hours submitted to the board shall be transferable to another barbering school for no more than five (5) years.

(4) Records filed with the board shall be maintained for five (5) years, then destroyed in accordance with the board's retention schedule on file with the State Archives and Records Commission.

Section 5. (1) All records shall be kept in a lockable file on the premises of the school and shall be available for inspection.

(2) The security of all records shall be the responsibility of the school.

(3) Records shall be locked if not in use or during nonbusiness hours.

Section 6. A school shall immediately produce a copy of any record maintained under this administrative regulation when requested by the board during hours when the school is scheduled to be open and providing services. If the request is made during hours when the school is closed and not providing services, the school shall produce a copy of any record maintained under this administrative regulation within two (2) hours of the next normal day of business.

JASON CROCKETT, Chair

APPROVED BY AGENCY: November 8, 2021

FILED WITH LRC: November 15, 2021 at 11:00 a.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on January 24, 2022, at 9:00 a.m., at Kentucky Board of Barbering. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing was received by that date, the hearing may be cancelled. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through 11:59 p.m. on January 31, 2022. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

CONTACT PERSON: Christopher D. Hunt, General Counsel, 312 Whittington Pkwy Suite 110, Louisville, Kentucky 40222, phone +1 (502) 782-0778, fax +1 (502) 324-6192, email chrisd.hunt@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Christopher D. Hunt

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes requirements for school records.

(b) The necessity of this administrative regulation: This administrative regulation is necessary to satisfy statutory requirements that licensing guidelines be established. The regulation also ensures compliance with requirements of schools to provide accurate reporting in a timely manner.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 317.440(1)(b) requires the Kentucky Board of Barbering to promulgate administrative regulations to govern quantity and quality of equipment, supplies, materials, records, and furnishings required in barber shops or schools.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation provides a structure for schools to report information required to qualify for graduation and testing. It also sets timeframes that allows for change but not indefinitely.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation: This amendment removes confusing language relating to industry licensure and provides continuity of terms. It also clarifies expectations for schools in reporting and allows a window to fix errors.

(b) The necessity of the amendment to this administrative regulation: This amendment is necessary to remove language that conflicts industry standards and provides continuity of language with other administrative regulations.

(c) How the amendment conforms to the content of the authorizing statutes: It helps schools provide better records and allows a window to correct misinformation.

(d) How the amendment will assist in the effective administration of the statutes: This amendment will clarify language used and provide continuity throughout administrative regulations. This will in turn make the administration of regulations more efficient.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: This administrative regulation affects approximately 4,550 license holders, in the following categories: master barbers, apprentice barbers, student barbers, barber instructors, barber schools, and barber shops. This administrative regulation will also affect future license applicants.

(4) Provide an analysis of how the entities identified in the previous question will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions each of the regulated entities have to take to comply with this regulation or amendment: No action will be required of current license holders. The requirement for obtaining a new license.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities: There is no cost anticipated for compliance with the amended language.

(c) As a result of compliance, what benefits will accrue to the entities: License holders will benefit from a clearer, more concise description of their responsibilities when retaking exams for licensure.

(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:

(a) Initially: None.

(b) On a continuing basis: None.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: None – not applicable to this amendment.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: No increase in fees or funding will be necessary to implement this amendment.

(8) State whether or not this administrative regulation established any fees or directly or indirectly increased any fees: This administrative regulation does not establish any new fees, nor does it alter or increase existing fees.

(9) TIERING: Is tiering applied?. Tiering was not appropriate in this administrative regulation because the administrative regulation applies equally to all those individuals or entities regulated by it.

FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

(1) What units, parts or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? Kentucky Board of Barbering.

(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 317.450(3); KRS 317.440.

(3) Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect. If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation. The Board of Barbering is the only agency that would be directly impacted by this regulation. There are no expected impacts on expenditures or revenue, as the agency already employs inspectors, who determine compliance with all applicable regulations on their inspection visits. The only possible revenue would be from fines associated with failures to comply with the administrative regulation. This revenue would be variable and negligible.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? \$0-\$500.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? \$0-\$500.

(c) How much will it cost to administer this program for the first year? No additional costs are anticipated; any expenses are included with current expenditures for agency inspectors and staff.

(d) How much will it cost to administer this program for subsequent years? No additional costs are anticipated; any expenses are included with current expenditures for agency inspectors and staff.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-): NA

Expenditures (+/-): NA

Other Explanation: NA